

REMARKS:

Applicant thanks Examiner Redman for his attention to the application. All of the claims are rejected as either anticipated by (1, 3–8, 10–14, 16–21, and 23–26), by or obvious over (claims 2, 9, 15, 22) Mesnel (US 4,470,223) and Herr (US 3,333,364), and Oda (US 2003/0019160).

Applicant believes that there is a single point of disagreement, the resolution of which will make it clear that all of the claims are patentable. The Examiner has taken the position that Mesnel '223 shows a one-piece seal in which the base portion is removed from the beltline section of the installation. In the rejection, the Examiner states:

As shown in Figs. 3–6, Mesnel (4,470,223) discloses a one piece (column 2, lines 13–18) elastomeric weather seal comprising two U-shaped reinforced metal core mounting elements (two parallel sides and a middle portion, i.e., a connecting brace as recited in the patent) attached to a door frame . . .

Applicant disagrees that Mesnel shows a one piece elastomeric weather seal. Not only does Mesnel not mention in the written description that the weather seal is formed as one piece, but the drawings show a three piece seal. For example, the cover drawing shows three separate pieces, two side pieces (1 and 2), and a third piece (brace 6). These elements are described in column 2, lines 9–30. While applicant understands that some of the drawings are less clear as to the separateness of these elements, nowhere in Mesnel is there any description that suggests that the elements are all part of a one piece elastomeric weather seal as claimed, and applicant respectfully submits

that the drawings are simply unclear rather than showing an alternative one piece embodiment. While the Examiner's supposition about a one piece element with a section that can be removed in the beltline portion of the installation is a good idea, it is the Examiner's idea, not Mesnel's idea. Nothing in Mesnel suggests that construction.

The claims of Mesnel are also consistent with a three piece seal. Claim 1, for example, requires a pair of extruded elastomeric sealing members, and a separate spacer brace. While applicant acknowledges that the claims may be different from the written description, there is nothing actually present in the written description that shows, describes or suggests a one piece seal as suggested by the Examiner.

Applicant respectfully submits that in the absence of the teaching of a one piece seal as claims, none of the claims (either the claims rejected as anticipated by Mesnel or the claims rejected as obvious) 2, 9, 15, and 22, which are dependent on allowable claims is unpatentable.

According, reconsideration and favorable action are requested.

Respectfully submitted,

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